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# Transcript

Newsletter of the Orange County Public Law Library

May 2004  
Volume 9 Issue 2

## LAW LIBRARY EXPANSION AND RENOVATION PROJECT

*by Maryruth Storer, Director*

You've seen the construction fence and change in traffic pattern around the Law Library building, and you're wondering what is going on? After nearly five years of planning, our expansion and renovation project has begun.

The Law Library's current building was completed in 1971 and it has had very little updating done since then. Gruen & Associates did an architectural program study in 2000, analyzing the current use and needs. They determined that the existing building did not have sufficient space to accommodate the current staff, collection or technology, and that growth capacity was also needed. Handicapped access to the building was also a major issue.


Why do we need space for a growing book collection? Contrary to popular belief, not everything is available on the Internet! For legal materials, only a few materials are available free, with access to most materials requiring a subscription to a private database company. With such subscriptions, you have access to the materials only as long as you continue to pay the subscription fee. When you purchase a book, you have permanent ownership of it, and it can be used by an unlimited number of people for as long as you have it.

This building's complicated ownership situation (the Law Library paid to have it built, and the County of Orange has legal ownership) requires that any building project must be a joint effort. The County agreed that the building could be expanded using Law Library funds, but required that the existing parking lot on the west side of the building must be maintained when the project was finished. Under provisions of the County's Contract Policy Manual, the architectural firm Ralph Allen & Partners was selected in August 2001. Their prede-

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## On Display ASIAN PACIFIC HERITAGE MONTH

*by Mora Prestinary, Reference Librarian*

May is Asian Pacific American Heritage Month—a celebration of Asians and Pacific Islanders in the United States. May was chosen to commemorate the immigration of the first Japanese immigrants to the United States in 1843. Asian Pacific American Heritage Month is celebrated with community festivals, government-sponsored activities, and educational activities for students. The Library will feature a display of books and materials as well as featuring prominent Asian Pacific American lawyers. 

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cessor firm designed the existing building during the 1960s, so now they had the opportunity to look at the Law Library's needs in this new century. In January 2002, the Law Library Board of Trustees selected the design to be used, which features:

- a) A large underground level (Level A) underneath the parking lot for book stacks and microfiche cabinets: If these heavy items were in an elevated portion of the building, their weight would require significant reinforcement. Because many legal materials are serials (numbered volumes in sequence, e.g. law reviews or case reporters), we anticipate that patrons use the various finding tools (indexes and digests) located in the main floor Reading Room to locate a specific citation, then retrieve that volume from Level A. Level A allows us the option of installing moveable compact shelving to increase the storage capacity.
- b) An extension of the third floor for two uses: additional reading room space and offices for the Public Services staff.
- c) Technology upgrades: the poured concrete construction method of the existing building has made it difficult to accommodate adding technology. We will have a climate controlled server room and a new computer lab for patron use (with room for 19 computers), adjacent to both the Public Services Desk so staff will be available to assist patrons in using programs and to the Network Staff if technology troubleshooting is required.
- d) Compliance with Americans with Disabilities Act requirements: The third floor public restrooms were renovated this spring. When the renovation is complete, disabled patrons will be able to enter the building through a new public lobby on the ground first floor and take a new elevator to the main third floor. Staff escorts for security reasons will no longer be required.

The construction project was bid twice, in June and December 2003. (You don't want to know why, believe me!) On March 9, 2004, the Board of Supervisors awarded the construction contract to FTR International, a company located in Irvine. They received Notice To Proceed on April 2, and work was begun.

During construction, the handicapped access and delivery door has been moved to the building's north side. There is a doorbell and intercom at the door, so a patron needing access can notify staff, who

will come to open the door and escort the patron to the main third floor. The bookdrop to return borrowed materials has also been moved to the north side of the building.

The entire project should take just under two years. The expanded space (Level A underground and the third floor extension) will be constructed first. When they are completed in Spring 2005, we move into those areas. Then renovation of the existing building begins. Our current planning is that the Library will be open normal hours during construction, with the collection resources generally available except for just a few days of actual moving in Spring 2005. We plan to post updates on our website, or you may call to determine the availability of specific materials.

Please bear with us during the construction phase. We're going through it to be able to continue to provide the best service possible to our patrons.



## Legal Research Guides Available On-Line

Visit our web site at [www.oc.ca.gov/lawlib/Guides.htm](http://www.oc.ca.gov/lawlib/Guides.htm)

- *California Law Research on the Internet*
- *California Legislative History*
- *Federal Law Research on the Internet*
- *Criminal Law Research on the Internet*
- *Business Research on the Internet*
- *Electronic Journals - Access to Legal Journals Online*
- *Miscellaneous Legal Research Links*
- *Legal Careers*
- *Local Research on the Internet*
- *Online Expert Witness Sources*

# JUDGES & THE RULE OF LAW

by John Patrick Quigley, Saturday Supervisor



## LAW DAY 2004: CELEBRATING BROWN V. BOARD OF EDUCATION

May 1<sup>st</sup> is designated as “Law Day”, intended to celebrate the rule of law. For this day, the ABA (American Bar Association) typically promotes the concept of an independent judiciary. This year it focused on the fiftieth anniversary of Brown v. Board of Education, 347 U.S. 483 (1954), which outlawed racial segregation in schools.

In *The Tempting of America - The Political Seduction of the Law*, GEN3 KF5130.B89 1990, former Appellate Judge Robert Bork wrote on p. 75: “Brown was a great and correct decision, but....” He argued that it should have been based on the original understanding of the Fourteenth Amendment, which he claims could have easily been done. (His reasoning is no more imaginative than the Court’s, but leaves less room for liberal expansion. Bork contends that, by straying from the path of legal interpretation and choosing the more slippery path of correcting a problem, the Court accelerated a trend of judicial legislating, which he analyzes in detail both before and after Brown.)

*Out of Order - Arrogance, Corruption and Incompetence on the Bench*, GEN3 KF8775.Z9B66 1998, is by Max Boot, not a lawyer, but editorial features editor for the *Wall Street Journal*. The charges listed in the title are documented with many reported incidents. One on pp. 133-135 shows how far judges can go in trying to solve problems. In New York, a federal judge found the City of Yonkers guilty of discrimination by locating public housing in a poor section of town. He ordered that a thousand low-income units be built in middle-class neighborhoods, which would require a 30 percent tax increase. When the City Council refused to do this, he fined the city \$100 a day, with the fine doubling each day after August 1, 1988. He also threatened to fine individual council members (who didn’t vote for his plan) \$500 per day and subject them to jail for contempt of court. By a slim 5-4 vote, the U.S. Supreme Court reversed, ruling that “imposing contempt sanctions” should only be considered if the city failed to produce the desired result “within a reasonable time” Spallone v. U.S., 493 U.S. 265 (1990)

## NEW BOOK: *COERCING VIRTUE – THE WORLD-WIDE RULE OF JUDGES*, GEN4 K3367.B67 2003

In this book, Bork extends his analysis of judicial

power to international tribunals and the courts of Canada and Israel, as well as recent developments in this country. Doing so sheds light on some of the proposed reforms discussed in the above referenced books, and also on such current issues as agreement by the Iraqis on a constitution.

American courts override majoritarian legislation by authority of a written constitution. But that seems to be largely an American invention, which England and many other countries don’t have. Israel doesn’t, which, according to Bork, hasn’t kept its Supreme Court from becoming the most tyrannical in the western world.

Some countries have adopted a version of our Constitution, like Canada’s 1982 Charter of Rights and Freedoms. However, the Canadian Parliament or legislature of any province may provide that specific legislation is immune from the Charter’s provisions for up to five years, which may be renewed. This seems like an opening for majority control, or even excess, but Bork contends that it’s used so seldom as to be useless. (Still, the availability of popular vote seems more important than its actual use.)

## ANOTHER NEW BOOK: *JUDGES ON JUDGING – VIEWS FROM THE BENCH*, GEN3 KF8775.A75J82 2004

This book is in five parts, the longest being Part III: “The Judiciary and the Constitution”. Although articles in the other parts also relate to this subject, we focus our attention on those in Part III by past and present Supreme Court Justices..

There are articles by two members of the “Warren” Supreme Court, often described as the most activist. Chapter 20, on “Contemporary Ratification”, by Justice Brennan, does not explain or even mention that term, but frequently mentions another unusual constitutional term: “human dignity”. Chapter 19, “The Constitution: A Living Document”, is by Justice Thurgood Marshall, who couldn’t get enthusiastic about the original document, which recognized slavery, so he emphasized subsequent development.

Chapter 13, “The Notion of a Living Constitution”, by Chief Justice Rehnquist, criticizes decisions justified by this notion (while affirming that he is not advocating a dead constitution). He emphasizes the greater “legitimacy” of the original constitution, its subsequent amendments, and statutes, by virtue of

(Continued on page 4)


being passed by elected representatives of the people, rather than decisions by unelected judges. Chapter 18, "Originalism: the Lesser Evil", by Justice Scalia, affirms the legitimacy argument, while recognizing the potential difficulty of determining original intent.

The editor is more than fair to opposing views. Chapter 14, "A Relativistic Constitution", and Chapter 24, "The Two Faces of Judicial Activism", by Judge William Justice, are sharply critical of Rehnquist and his Court. He accuses the Chief Justice, his "mentor", Justice Holmes, and Chief Justice John Marshall, of injecting "moral relativism" into the law. Chapter 17, "What Am I, a Potted Plant? The Case Against Strict Constructionism", and Chapter 23, "Against Constitutional Theory", by the out-spoken Judge Richard Posner, are well-described by their titles.

There are two articles by Clinton appointees. Chapter 22, "Our Democratic Constitution", by Justice Breyer, objects to a "legalistic" approach which emphasizes language, history, tradition, and precedent, rather than consideration of consequences (which seems like outcome based judging). Chapter 21, "Speaking in a Judicial Voice: Reflections on Roe v. Wade", by Justice Ginsberg, suggests that a narrower ruling might have ultimately accomplished the same results, with less divisive acrimony.

### THE POLITICIZATION OF THE COURTS

Any good that might result from judicial legislating can be outweighed by the evil of subjecting the majority to the values of an elite minority. That minority includes lawyers, who are in a favored position to advance their agendas through sympathetic judges. The Rule of Law, written for all to know, may become the Rule of Judges, determined through litigation! For example, see our article in the May 2003 *Transcript*: "Elections & Courts" (search in Google, or go to [www.oc.ca.gov/lawlib/trans5-03.pdf](http://www.oc.ca.gov/lawlib/trans5-03.pdf)).

And there is another evil. In 1997, the ABA president called attacks on judges "un-American" (Out of Order, p. 217), but that view has probably changed for the current court. In 2000, a Hollywood celebrity was reported as saying: "The first three reasons to vote for Al Gore are the Supreme Court, the Supreme Court, the Supreme Court!" The battle over the undemocratic power of an "independent" federal judiciary has led to the distortion of increasingly virulent elections, filibusters in the Senate, character assassinations of nominated judges, a spreading contempt for courts on all sides, and orchestrated street mobs marching on the Supreme Court. 




## Ask a Librarian

### Question of the Quarter

by Lu Nguyen, Reference Librarian

**Q:** How is child support calculated?

**A:** California has a statewide formula (called a "guideline") for figuring out how much child support should be paid. If parents can't agree on child support, a judge will decide the child support amount based on the guideline calculation. Parents can agree on a "non-guideline" support amount if they: know fully their child support rights, know the guideline child support amount, are not pressured or forced to agree to this child support amount, are not receiving public assistance, have not applied for public assistance, think that the child support amount is in the best interest of the child(ren), and have a judge approve the amount of child support payments.

For more information see <http://www.courtinfo.ca.gov/selfhelp/family/support/supqna.htm>. 

Please visit our web site to see  
*What's New from the Depository*  
at  
[http://www.oc.ca.gov/lawlib/  
what's%20new.htm](http://www.oc.ca.gov/lawlib/what's%20new.htm)

# The New Electronic Voting System: Was it Reliable and Easy to Use, As Promised?

## Reactions from 3 Poll Workers

by Karen Wood, Government Documents Assistant



Following the problems Florida experienced during the 2000 presidential election, state and federal law changed: the law now effectively forbids further use of punch card or lever systems, according to the Orange County Registrar of Voters. Once again, members of the Law Library's staff have sacrificed their day and early evening to serve as volunteers in various polling locations throughout the county. I sat down with them and asked if they had any problems this time around. Here are some of their comments:

*How did people react to the new electronic voting system?*

"It was an interesting psychological study of the difference between the ages," according to one of our volunteers. She said that the younger people complained the most about the computers--some came in like cocky know-it-alls, questioning the security of the computer system, fearing that the computers could be hacked into. The younger people also were less likely to read the instructions and kept trying to touch the computer screen to vote, as if it was an ATM.

The older people, on the other hand, accepted the new voting system more readily, although they were scared at first (because they were unfamiliar with computers). After they had finished their voting, they were really pleased with themselves for figuring it all out and the experience seemed to give them more confidence with using computers in the future.

At another polling location, one of our volunteers witnessed an angry voter who complained about the purchase of the new eSlate electronic voting system. She said she preferred to use the old punch system. She wanted to know to whom she could petition to get her money back. Our poll volunteer said that this voter was "upset and kind of harassed two of my fellow poll workers."

*Were there any technical problems with the new system?*

Computers froze mid point and poll volunteers had to get out the manuals to try to troubleshoot. They couldn't rely on picking up the phone to call the precinct because they feared that by the time

someone responded (and came to fix the problem) many voters might have been turned away. They felt that there wasn't enough attention given at training to troubleshooting problems with the computers.


*Were there any other problems that may have led to turning voters away?*

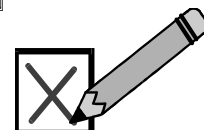
At one location, poll volunteers had to wait almost an hour at six in the morning for someone to show up with a key to open the door. They had to tell people to either wait or come back later. Luckily, all of the people did come back later to cast their votes.

A few days after the election, The LA Times reported that "7000 Orange County Voters Were Given Bad Ballots" because poll workers provided some voters with incorrect access codes that caused them to vote in the wrong legislative district. As a result, some of the precincts showed turnout numbers exceeding 100%. There have been several subsequent articles in the paper about this snafu, and they blame it on the poor training of the poll workers.

*Did you notice this happening at your polling location?*

One of our volunteers noticed this and reported it to the inspector; another said that during the first half hour, this was noticed, and the inspector wrote a note to the registrar, saying that the first 20 ballots may have had this problem.

The Registrar of Voters continues to study what went wrong and poll volunteers were asked to come to an appreciation BBQ and discuss their reactions and recommendations. The Board of Supervisors Subcommittee on Elections scheduled 3 public hearings on the performance of the new electronic voting system. They invited the public to submit their thoughts and experiences in order to develop an action plan to assure that any problems will be ironed out in time for the big presidential election in November. 



# Getting to Know You: Lu Tuan Nguyen

by Victoria Williamson, Reference Librarian at the University of La Verne College Law Library in Ontario, California

**Editor's note:** The following article was originally published in the September 2003 issue of the *SCALL Newsletter* (volume 31, number 1). Ms. Williamson has allowed us to reprint the article.

When I first met Lu Tuan Nguyen, the one thing that stuck in my head was his warm and welcoming smile. He showed a natural ability to put me at ease and to feel comfortable to chat with him. I actually did feel comfortable enough that I asked him to be the subject of the "Getting to Know You" article for this issue of our newsletter. Behind Lu's warm and welcoming smile is an impressive list of prior work experiences, credentials and an impressive range of professional associations' involvement. I have to admit that it was quite a challenge for me to write up a profile that encapsulates his entire work history and volunteering activities without leaving out the interesting, warm and caring personality of Lu.

Lu Tuan Nguyen, a 1996-97 SCALL Scholarship recipient, is a graduate of San Jose State University School of Library and Information Science. He earned his J.D. from Northrop University School of Law and a Bachelor of Arts Degree in Political Science from UCLA.

Lu is what I call a full-fledged "24/7 reference librarian," he virtually lives and breaths reference work 24 hours, 7 days a week. He works full-time as a reference librarian at the Orange County Public Law Library, serves as a "pool librarian" providing professional reference library services at Cal. State University in Fullerton, and works part-time as a reference librarian at Western State University College of Law Library.

Lu's law librarian career had its beginnings at the Northrop University Law Library in Inglewood where he worked as a student assistant helping the librarian at the reference desk with shelving books and loose-leaf filing. From librarian aid to reference librarian, he gained tons of experience handling legal materials and serving the legal information needs of library users both in the academic and public law settings. He has dedicated himself to providing public access to information and assisting the public to find information. His reason for becoming a librarian is, he stated, "*Pursuing a goal of making information available freely to the public.*" He has focused on his goal consistently not only through his daily work but also by

getting involved in various professional organizations namely: ALA, AALL, CLA, SCALL, ABA, LACBA, CALA (Chinese American Librarians Association) and Delta Theta Phi Law Fraternity. He has a history of community involvement, which include serving as Vice-President of El Camino College Rotary Club in 1978 and as Volunteer in the VITAS, hospice program in 1998. He received two California State Grants: the California Library Grant (1999-2000) while he was attending San Jose State University School of Library and Information Science and the California State Grant A (1979-1981) while he was attending UCLA. In 1985 he received the Delta Theta Phi International Professional Law Fraternity Service Award.

With three reference librarian positions to juggle, mixed in an alphabet soup of professional organizations involvement, and a dab of community service here and there, I wonder where does Lu find the time to pursue his interests in reading, classical music, and yoga?


Lu is a native of Vietnam, "*born in the North but raised in the South.*" He came to America in 1975 with a spirit filled with awe and gratitude for the opportunity to pursue his education in a free and democratic environment. He has come a long way, from Hanoi to California, and throughout his journey, he has shared his time, knowledge and talents to those in need.

Lu confides that his number one passion in life is "*to assist the needy*" and that one of his personal interests is "*to bring joy and comfort to others.*" These words are clearly reflected in Lu's demeanor, actions and dealings with library patrons, his colleagues, friends and family. For instance, he spent several hours of volunteer work in a nursing home/hospice care and in his local Buddhist Temple. When I asked him to describe the craziest thing that he has ever done outside his professional circle, without any hesitation, he shared: "*Attending the training seminar to sell cemetery properties. My grandmother first intended to be buried close to her friends at the Rose Hills Memorial Garden. So, I thought that attending the training would give me knowl-*

*(Continued on page 7)*

# LAW DAY

by Mora Prestinary, Reference Librarian


The theme for this year's Law Day is: **To Win Equality by Law: *Brown v. Board* at 50.** Law Day 2004 will celebrate the 50th anniversary of this historic case "by commemorating the Court's decision in *Brown*, Law Day can help illuminate the meaning of equality in our democracy and the role of law, advocates, and courts in establishing and protecting our rights." Achieved through the process of the law and the courts, no legal decision is more significant than the Supreme Court's 1954 ruling in *Brown v. Board of Education* (347 U.S. 483). Saturday, May 1, is the official date, but Law Day can be observed over the entire month of May. 

Getting to Know You Lu  
(Continued from page 6)

*edge to be helpful to my grandmother and her friends. I did not feel comfortable being a sales counselor at all."*

With an attitude of giving and a natural affinity to helping others, Lu possesses the most important quality of an ideal reference librarian; a genuinely warm and enthusiastic desire to assist and fulfill the information needs of the patrons. From students to faculty, from pro se patrons to judges, Lu gives them the same personal attention and helps them find the information they need. No wonder, he enjoys his work so much that he does it 24/7, or at least it seems that way with his schedule. Getting to know Lu is yet another proof of how our profession can be enriched by a single act of mentoring.


Lu credits Mora Prestinary, Reference Librarian at the Orange County Public Law Library, for encouraging him to pursue a career in law librarianship. He adds: *"She told me that I should go to Library School since I enjoy helping patrons find information at the library. She gave me the application package, and encouraged me to apply at the San Jose State University, School of Library and Information Science extension program at California State University in Fullerton. She went to the Library School orientation with me. She also said that she will never give up encouraging me to go to Library School."*

Lu's commitment and dedication to providing access to information for the public and assisting the public to find information places him in an ideal position where he is and sees himself five years from now *"At the Orange County Public Law Library as Reference Librarian."* 

# LOOKING AT THE WEB

by Mora Prestinary, Reference Librarian



- *Brown v. Board of Education* ( 347 U.S. 483)  
<http://caselaw.lp.findlaw.com/scripts/getcase.pl?navby=cas&court=us&vol=347&page=483>
- *Mendez v. Westminster School District*  
(64 F Supp, 161 F2d 744)  
<http://sunsite.berkeley.edu/calheritage/latinos/mendezpetitionnav.html>
- The Case of *Mendez et al.v. Westminster (CA) School District, 1946: segregation of Mexican-American students in California schools*
  - Petition  
<http://tcla.gseis.ucla.edu/equalterms/history/pdf/mendez.pdf>
  - The Southern California Perspective  
<http://sshl.ucsd.edu/brown/Mendez.htm>
  - Case  
<http://www.uchastings.edu/wingate/Mendez%20v.htm>
  - Award winning documentary  
[http://www.koce.org/press\\_emmy.htm](http://www.koce.org/press_emmy.htm)
  - Original Brief  
[http://arcweb.archives.gov/arc/digital\\_detail\\_summary.jsp?&tn=294928&nw=y&rn=3&nh=8&ni=0&st=b&rp=details](http://arcweb.archives.gov/arc/digital_detail_summary.jsp?&tn=294928&nw=y&rn=3&nh=8&ni=0&st=b&rp=details)
- Law Day  
<http://www.abanet.org/publiced/lawday/home.html>
- Asian-Pacific Heritage Month  
<http://www.infoplease.com/spot/asianhistory1.html> 



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# TECHNOLOGY AT ORANGE COUNTY PUBLIC LAW LIBRARY

## PUBLIC COMPUTER STATIONS

### LEGAL RESEARCH PROGRAMS

Law Desk  
Authority  
Shepard's  
CEB Practice Libraries  
Premise– Rutter Group

### CD-ROM VIEWING STATION

### WORD PROCESSOR

### CONFERENCE/TRAINING ROOM

35 person capacity  
Internet-ready  
Projector/screen  
Wired for laptops

### INTERNET ACCESS & DATABASES

Loislaw– All States & Federal  
LegalTrac– Legal Periodical  
Citations  
CCH tax law & forms  
Fastcase– All States & Federal  
HeinOnLine– Federal Register,  
U.S. Reports,  
Law Reviews, Treaties  
LLMCDigital– Federal Documents  
Westlaw– All States & Federal,  
Keycite

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## OCPLL will be closed for the following Court Holidays

May 31, 2004, Memorial Day  
July 5, 2004, Independence Day (Observed)  
September 6, 2004, Labor Day

### Regular Library Hours

Monday-Thursday 8 am-8 pm  
Friday 8 am-6 pm  
Saturday 9 am-6 pm

*Closed Sundays and Court Holidays*

The Orange County Public Law Library  
derives its income from a portion of the filing fees in  
civil cases heard in the Superior Courts of Orange  
County, rather than from general tax funds.

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